

REMARKS

In response to the Office Action, the Applicant offers the following remarks.

Original claims 1 to 27 were examined. Claims 19 and 20 are currently cancelled and claims 1 to 18 were allowed in the Office Action.

A. Rejections Under 35 U.S.C. § 102(b)

The Office Action rejects claims 19 to 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,085,958 issued to Kersten (hereinafter "Kersten"). Claims 19 and 20 are currently cancelled, rendering the Examiner's rejection moot for these claims. With respect to claims 21 and 22, withdrawal of the Examiner's rejection is respectfully requested for the following reasons.

According to MPEP § 706.02, in order to reject a claim under 35 U.S.C. § 102(b) as being anticipated by a reference, the Examiner must determine that such reference teaches every aspect of the claimed invention either explicitly or implicitly. Any feature not directly taught must be inherently present.

There are no grounds for an anticipation rejection of independent claim 21 since Kersten does not teach the following highlighted features of claim 21:

21. A cartridge suitable for being mounted within the main body of a ram, the main body of the ram having a cavity with a first piston mounted therein for moving an actuator between a first operational position and a second operational position, said cartridge comprising:
- (a) an internal cavity defined by an internal wall, said internal wall comprising a locking portion;
 - (b) an explosive charge located in said internal cavity, said explosive charge being adapted for detonating in response to an impulse; and

- (c) a second piston located within said internal cavity and attached to a rod, said piston being operative for causing said rod to move from a first position to a second position in response to the detonation of said explosive charge, wherein displacement of said rod from said first position to said second position causes the actuator to move towards the second operative position, **and in said second position, said rod is engaged with said locking portion in order to prevent the actuator from returning to the first operative position.**

In the Office Action, the Examiner indicates: "Kersten also discloses a locking means 27, 28, for preventing the piston from going back to the original position."

Contrary to what the Examiner indicates, the conical end 27 and conical retainer 28 of Kersten do not prevent the piston 21 from returning to its **original position** since the conical retainer 28 only stops the conical end 27 of the piston 21 once it reaches its second position where the bolt is fired:

"At the same time as this, the air in the annular space 34 is compressed by the combustion gases flowing in, until the conical end 27 reaches its retainer 28 in the barrel-front part 11 (FIG. 3). The bolt is then fired and the gas in the annular space 34 compressed." [lines 52-57, column 3]

Moreover, Kersten teaches away from preventing the piston 21 from returning to its first operative position since one of the objects of Kersten is to provide a tool using the gases for pushing back the piston to its original position:

"It is a further object of the present invention to provide a setting tool using combustion gases for guiding back its position [sic piston] into its starting position." [lines 58-59, column 1]

"The volume of gas compressed in the annular space 34 expands again owing to the drop in pressure on the rear side of the piston and thereby guides the piston 21 back into its starting position in which the section 25 of the piston head 22 is

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accommodated by the barrel-rear part 12 and the section 24 of the piston head 22 is located adjacent to the barrel-rear part 12. Leakage losses at the sealing surfaces have, of course, to be kept sufficiently low that it is possible for the volume of gas acting as the gas spring in the annular space 34 to apply sufficient force in order to guide the piston 21 back into its starting position." [lines 9-18, column 4]

Hence, the Applicant respectfully requests withdrawal of the Examiner's rejection of independent claim 21 pursuant to 35 U.S.C. § 102(b). Because claim 22 depends from independent claim 21 and includes by reference all of the features recited in this independent claim, the Applicant respectfully submits that claim 22 is also patentable.

(1) B. Rejection Under 35 U.S.C. § 103

The Office Action rejects claims 23 to 27 under 35 U.S.C. § 103 as being obvious over Kersten. As indicated above, Kersten does not disclose a locking portion for preventing the piston (actuator) from returning to its first operative position as recited in claim 21. Because claims 23 to 27 depend from independent claim 21 and include by reference all of the features recited in this independent claim, the Applicant respectfully submits that these claims are also patentable.

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CONCLUSION

It is therefore submitted that claims 1 to 18 and 21 to 27 are in condition for allowance and favorable action and allowance of these claims are earnestly solicited.

The Examiner is invited to call the Applicant's undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present response.

If the claims of the application are not believed to be in full condition for allowance, for any reasons, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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